

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF PACE
INDUSTRY-UNION MANAGEMENT
FUND,

Plaintiff,

- against -

MERCER INC.,

Defendant.
----- X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/26/2019

19-MC-461 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Federal Rule of Civil Procedure 45 requires a motion to quash or compel compliance with a subpoena to be filed in the district where compliance is required. However, Rule 45(f) allows for the transfer of a motion to quash or compel the subpoena to the issuing court “if the person subject to the subpoena consents.” Here, Plaintiff moves to compel Defendant to produce certain documents subject to a subpoena. This is the court where compliance with the relevant subpoena is required. The issuing court is the District of Idaho, where the underlying action is pending. Mercer, “the person subject to the subpoena,” consents to the transfer. (Doc. 20 at 1.) The plaintiff in the underlying case (Ely), and the interested non-party (Clearwater), also consent to the transfer. (*Id.*) Defendant in the underlying case (the Plaintiff in this case), “takes no position on the issue of transfer.” (*Id.*)

Accordingly, Plaintiff’s pending Motion to Compel, (Doc. 7), is hereby transferred to the District of Idaho.

The Clerk's Office is respectfully directed to transfer the pending motions to the District of Idaho and to close this matter.

SO ORDERED.

Dated: December 26, 2019
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge